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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,791	05/09/2001	Hiroshi Kutsumi	MTS-3257US	3296
7590	05/26/2006		EXAMINER POND, ROBERT M	
Ratner & Prestia Suite 301 One Westlakes, Berwyn P.O. Box 980 Valley Forge, PA 19482-0980			ART UNIT	PAPER NUMBER
			3625	
DATE MAILED: 05/26/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/851,791	<b>Applicant(s)</b> KUTSUMI ET AL.	
	<b>Examiner</b> Robert M. Pond	<b>Art Unit</b> 3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28, 48, 49 and 51-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28, 48, 49, and 51-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

All pending claims (28, 48, 49, and 51-73) were examined in this final office action.

### ***Response to Arguments***

#### **Pertaining to claim objections**

The Applicant amended claims 62 and 69-73. Objection to claims 62 and 69-73 is withdrawn.

#### **Pertaining to rejection under 35 USC 103 in previous office action**

Applicant's arguments filed 06 March 2006 have been fully considered but they are not persuasive. The second objective of Nakayama is to provide an incentive to an information discloser to provide more information disclosure. This requires registering the information. Nakayama clearly discloses ways to motivate an information disclosure to continue disclosing more information as noted below. Information disclosers earn positive and negative points based on contributed content evaluations (i.e. accesses to contributed content)(see at least col. 1, lines 47-51; Fig. 124; Fig. 125).

#### **Pertaining to Official Notice**

The Examiner respectfully disagrees with the Applicant. Under frequent shopper rewards programs, participants receive incentives by contributing value

to the business that sponsors the program. Their value is their patronage that sustains and helps the business entity continue to stay in business.

The Examiner is providing a copy of "Frequent Flier Perk First-Class Upgrade Most Sought After" Chicago Tribune, 04 March 1990 (PTO-892, Item: U) to support taking of Official Notice. Fliers contribute to the system via their patronage and their wallets, and in return receive incentives to continue using the system and access to better services through contributions. It's a great concept and it's been around for a long time.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 28, 48, 49, and 51-73 are rejected under 35 USC 103(a) as being unpatentable over Nakayama (Paper #20051019, US 6,339,774) in view of Official Notice (Paper #20051019, regarding old and well-known in the arts).**

Nakayama teaches a an information sharing system and method adapted to determining the degree of contribution of a specific user to the system on the basis of the frequency of access and the contents of the retrieved by the user

and feeding it back to the user in order to give an incentive to the user to further the utilization of information (see at least col. 1, line 52-57). Nakayama teaches users disclosing content for information sharing by using the content registration to submit content to a content database (see at least Fig. 91 (9104, 9108); Figs. 92-98). Nakayama teaches rewarding users with positive incentives for registering content based on frequency, accessing content, making evaluations, and submitting questions, and further Nakayama further teaches penalizing a user for not making a positive contribution (please note: system recognizes that user "Akoï" as receiving zero points for information registration and user "Yamada" negative points for evaluations) (see at least Fig. 124). Nakayama further teaches:

- Recommended contents are output by output means: user submits search terms or query to receive content recommendations consistent with search terms (see at least Figs. 5A and 5B).
- Checking access history of the user: stores accumulated history of access and content registration (Fig. 124).
- Number of registration times: track frequency of registration (see at least Fig. 124 (REGISTRATION); col. 57, lines 32-38).
- Content registration: user registers content (see at least Fig. 91 (9104, 9108); Figs. 92-98).

- History: stores user information references and information utilization and associates with (see at least Fig. 77A (reference history); col. 43, lines 1-9).
- Recommendation: returns search content, provides evaluations as being recommendable.
- Extraction means: (see at least col. 24, lines 56-63).
- Content: please note: content can pertain to any topic (not limited to business use).

Nakayama teaches all the above as noted under the 103(a) rejection and teaches a) the importance of populating the information sharing system with user content, b) users receiving positive incentives for frequency of registering content and frequency of accessing content in an online information sharing system, and c) providing zero incentives when content is not registered, but does not disclose access history control means and content registration means determining access to content (i.e. if user registers two pieces of content then the user is entitled to ten accesses to content). The Examiner takes the position that incentive programs that reward a participant based on contributed value is old and well-known in the arts. For example, a traveler takes one flight and receives 500 frequent flyer miles or points, or a shopper buys one and gets two free, or two people with information that the other would like to have shared- quid pro quo. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system, method, and means of Nakayama to

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implement a quid pro quo incentives system, method, and means as taught by Official Notice, in order to populate the information sharing system with user content, and thereby attract users to the service.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US 20010047290 (Petras et al.) 29 November 2001; teaches a system for automatically creating and maintaining a database of information utilizing user opinions about subjects, and offering incentives to contribute.
- US 2001/0027416 (Nakamura) 04 October 2001; teaches incentives to motivate users to contribute content to a bulletin board service.



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- Sloane; "Frequent Flier Perk First-Class Upgrade Most Sought After"  
Chicago Tribune, 04 March 1990, Proquest #28817277, 3pgs; teaches  
frequent flier rewards programs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', written in a cursive style.

Robert M. Pond  
Primary Examiner  
May 23, 2006